on its recipients, especially those who currently do not have the capacity to maintain the time records required by this proposed rule. Timekeeping is time consuming, and record keeping systems have real costs. Nevertheless, despite the possibility that implementation of this proposed rule will reduce a recipient's LSC-funded capacity for client services by one- or two-percent or more, the Corporation has concluded that timekeeping by attorneys and paralegals will materially improve recipient accountability for Corporation funds.

If adopted, this part shall be effective January 1, 1996.

A section-by-section discussion of the proposed rule is provided below.

Section 1635.1 Purpose

This section sets out the purpose of the proposed rule: to improve recipient accountability for the use of funds provided by the Corporation. This section also sets out the manner in which the proposed rule achieves its stated purpose: by assuring supporting documentation of allocations of expenditures of Corporation funds, by enhancing recipients' ability to determine costs, and by increasing the information available to the Corporation for assuring recipient compliance.

Section 1635.2 Definitions

This section defines ''case'', ''matter'' and ''activity,'' the functions of a program for which time records are required to be kept. The definitions are formulated so as to cover all allocations of recipients. Some examples of ''matters'' are education of eligible clients and development of written materials explaining legal rights and responsibilities. ''Administrative and general'' is a catchall category within ''activity.'' It is designed to encompass everything that does not fall within cases or matters or fund-raising activities, and would include, for example, skills training and professional activities.

Section 1635.3 Timekeeping Requirement

This section sets out the timekeeping requirement. It is intended to require all recipients to account for the time spent on all cases, matters and other activities by their attorneys and paralegals, whether funded by the Corporation or by other sources. Recipients must account for one hundred percent of attorney and paralegal time spent in the course of their employment, even if the time is spent outside normal business hours. Allocation of costs based on time and other records continues to be governed by 45 C.F.R. part 1630, which requires a reasonable basis for allocations of expenses to all funds.

The Corporation does not prescribe either manual or automated timekeeping systems, nor specific report formats or contents. Each recipient will need to determine the appropriate matters and activities for which time will be kept, keeping in mind its particular service patterns. In order to assist recipients, the Corporation plans to make available this fall a manual of forms and operating systems already in use by some recipients.

Section 1635.4 Administrative Provisions

This section advises recipients of the Corporation's access to the time records required by this part. Since these records will be available for examination by auditors and representatives of the Corporation, they should be maintained in a manner consistent with the attorney-client privilege and all applicable rules of professional responsibility. As a practical matter, this may mean that client names should not appear in time records.

List of Subjects in 45 CFR Part 1635

Legal services, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, LSC proposes to amend 45 CFR chapter XVI by adding part 1635 as follows:

PART 1635—TIMEKEEPING REQUIREMENT

Sec.
1635.1 Purpose.
1635.2 Definitions.
1635.3 Timekeeping Requirement.
1635.4 Administrative Provisions.

Authority: 42 U.S.C. 2996e(b)(1)(A), 2996g(a), 2996g(b), 2996g(e).

§ 1635.1 Purpose.

This part is intended to improve recipient accountability for the use of funds provided by the Corporation by:

(a) assuring that allocations of expenditures of Corporation funds pursuant to 45 C.F.R. part 1630 are supported by accurate and contemporaneous records of the cases, matters and activities for which the funds have been expended;

(b) enhancing the ability of recipients to determine the cost of specific functions; and

(c) increasing the information available to the Corporation for assuring recipient compliance with federal law and Corporation rules and regulations.

§ 1635.2 Definitions.

As used in this part—

(a) ''Activity'' means all other actions of or by a recipient, including fund-raising and administrative and general, which are not cases or matters.

(b) ''Case'' means the provision of advice to representation of one or more clients.

(c) ''Matter'' means the provision of other program services that do not involve advice to or representation of one or more clients.

§ 1635.3 Timekeeping Requirement.

(a) All expenditures of funds for recipient actions are, by definition, for cases, matters or activities. The allocation of all expenditures must be carried out in accordance with 45 C.F.R. part 1630.

(b) Time spent by attorneys and paralegals must be documented by time records which record the amount of time spent on each case, matter or activity. Time records must be created contemporaneously and must account for time in increments not greater than one-quarter of an hour which aggregate to all of the efforts of the attorneys and paralegals for which compensation is paid.

§ 1635.4 Administrative Provisions.

Time records required by this section shall be available for examination by auditors and representatives of the Corporation, and should be maintained in a manner consistent with the attorney-client privilege and the rules of professional responsibility applicable in the local jurisdiction.

Dated: September 18, 1995.

Suzanne B. Glasow,

Senior Counsel for Operations & Regulations.

[FR Doc. 95–23489 Filed 9–20–95; 8:45 am]

BILLING CODE 7050–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 91–35; FCC 95–374]

Operator Service Access and Payphone Compensation

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted a Notice of Proposed Rulemaking (''Notice'') seeking comment on tentative proposals for implementing a per-call system of compensation for the largest operator services providers

(''OSPs''), in lieu of the current flat-rate compensation system. Under the Commission's current rules, certain OSPs pay competitive payphone owners (''PPOs'') a flat-rate of $6 per payphone per month for originating interstate access code calls. An ''access code'' is ''a sequence of numbers that, when dialed, connects the caller to the OSP associated with that sequence, as opposed to the OSP presubscribed to the originating line.'' In particular, this Notice seeks comment on how individual access calls could be tracked and the appropriate per-call compensation amount.

DATES: Comments must be received on or before October 10, 1995; replies must be received on or before October 31, 1995.

ADDRESSES: Comments and replies must be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554; one copy shall also be filed with the Commission's contractor, International Transcription Services, Inc. (ITS, Inc.) 2100 M Street, NW., Suite 140, Washington, DC 20037 (202–857–3800). The complete text of this Notice is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M Street, NW., Room 239, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Carowitz, 202–418–0960, Enforcement Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION:

Synopsis of Notice

1. Ability of IXCs to Track Interstate Access Code Calls

The Commission believes that tracking 1–800 and 1OXXX access code calls through the use of automatic number identification (ANI) and the special billing treatment ''07'' code would provide OSPs with a means of paying compensation to PPOs on a per-call basis. Because this solution to the problem of tracking access code calls builds on an OSP's existing capabilities, we believe that it would be relatively easy and inexpensive to administer for those OSPs that receive a large number of access code calls. The Commission notes that AT&T and Sprint have already agreed to meet their compensation obligations through this method.

According to data submitted by the American Public Communications Council (''APCC''), the volume of 1–950 access code calls that cannot be tracked directly does not appear to be so significant as to justify rejection of a per-call compensation mechanism. The Commission tentatively concludes that it would be reasonable to require OSPs that utilize 1–950 access to rely upon a usage-based surrogate to determine their per-call compensation obligations. The Commission also tentatively finds that such a surrogate could be based on the ratio of 1–950 access code calls to the total access code calls received by OSPs. The Commission tentatively concludes that the ratios set forth by APCC in its petition are appropriate for calculating the compensation obligations of those OSPs that utilize 1–950 access. The Commission encourages parties, particularly MCI and LDDS, to comment on this tentative conclusion and to submit data supporting alternative ratios. The Commission also tentatively concludes that the relatively minor percentage of competitive payphones in non-equal access areas, as estimated by APCC, which do not transmit the ANI required to track access phone calls, should be subject to status quo flat-rate compensation. The Commission invites parties to comment on the accuracy of APCC's estimates and to suggest alternative approaches for compensating PPOs for access code calls originating from non-equal access areas.

2. IXCs Required to Pay Per-Call Compensation

The Commission tentatively concludes that the largest OSPs should be required to pay compensation to PPOs on a per-call basis. The Commission notes that AT&T and Sprint have already begun paying per-call compensation. In the absence of a showing to the contrary, the Commission believes that the two other OSPs that currently have annual toll revenues exceeding $1 billion dollars should be able to pay compensation on a per-call basis without incurring significantly different administrative costs that those associated with the current per-phone mechanism. The Commission invites parties to comment on these tentative conclusions. The Commission also tentatively concludes that the flat-rate compensation obligations of the OSPs not meeting the annual revenue threshold should not change as a result of the implementation of per-call compensation for the largest OSPs. However, the Commission believes that such OSPs should be given the opportunity to pay compensation on a per-call basis, at their option. In addition, the Commission proposes to continue to monitor call-tracking capabilities within the industry for the purpose of moving in the future to a per-call compensation mechanism for all OSPs that receive access code calls.

3. Proposed Compensation Amount

The Commission established a range of reasonable compensation rates in the *Second Report and Order*, 57 FR 21038–01 (1992). The proposed rate of $.25 per call, identical to that negotiated by AT&T and APCC, is clearly within that range. The Commission sees no reason to reconsider at this juncture its conclusions about the reasonableness of possible compensation rates, unless the participants in this docket submit useful data that differ significantly from the information that the Commission previously examined in this proceeding. The Commission tentatively concludes that a per-call rate will lead to a more efficient compensation mechanism through which both PPOs and OSPs ultimately will benefit. In addition, consumers will benefit because the per-call rate will encourage PPOs to place their payphones in locations that are likely to generate the most calls. The parties are invited to comment on these tentative conclusions.

4. Compensable Access Code Calls

The definition of ''acess code'' set for in the Communications Act encompasses ''sequence[s] of numbers'' such as 1–800––COLLECT, 1–800–OPERATOR, and others that connect a caller to an OSP which is not presubscribed to the originating line. The Commission tentatively concludes that OSPs must pay per-call compensation for 1–800 or 1–950 access code calls, whether or not the dialing sequences were in use at the time the Commission adopted its previous orders in this docket. The Commission notes that AT&T has already agreed to pay APCC per-call compensation on the various 1–800 dialing sequences that allow callers to reach its operator services.

5. Functioning of Per-Call Compensation Mechanism

In the Second Report and Order, the Commission prescribed the existing direct-billing arrangement because it placed the burden of implementing the compensation mechanism on those parties that receive the benefits of access code calls—IXCs and PPOs. The Commission tentatively concludes that this direct-billing arrangement should be maintained with the simple addition of requiring each OSP to send back to each PPO a statement indicating the number of access code calls that it has received from each of that PPO's competitive payphones. As before, the Commission continues to leave the

specific details of the billing arrangement for the parties to determine. The Commission believes that this slight modification of the *status quo* most efficiently implements payments of per-call compensation by the largest OSPs.

6. Regulatory Flexibility Analysis

As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. Section 601 *et seq.* (1981), the Commission has prepared a Regulatory Flexibility Analysis of the expected impact on small entities resulting from the policies and proposals set forth in the *Notice*. The full analysis is contained within the *Notice*. The Secretary shall send a copy of the *Notice* to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act.

7 Ex Parte Rules—Non-Restricted Proceeding

This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda, provided they are disclosed as provided in Commission rules.

All interested may file comments on the per-call compensation issues by October 10, 1995, and reply comments by October 31, 1995. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of comments and reply comments. If participants want each Commissioner to have a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. The petition, comments, and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 230) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. Copies of the petition and any subsequently filed documents in this matter may be obtained from ITS, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Ordering Clauses

It is Ordered, pursuant to Sections 1, 4(i)–4(j), 201–205, 226, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, 226, and 303(r), that a Further Notice of Proposed Rulemaking is Issued.

It is further ordered That the Chief of the Common Carrier Bureau is delegated authority to require the submission of additional information, make further inquiries, and modify the dates and procedures, if necessary, to provide for a fuller record and a more efficient proceeding.

List of Subjects in 47 CFR Part 64

Communications common carriers, Operator service access, Payphone compensation, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–23406 Filed 9–20–95; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapter VI

[I.D. 091195A]

South Atlantic Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public hearings.

SUMMARY: The South Atlantic Fishery Management Council (SAFMC) will hold public hearings to solicit comments on management measures for a new Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region (FMP).

DATES: Written comments regarding the issues being discussed at the hearings will be accepted through October 19, 1995.

The hearings are scheduled as follows:

1. Tuesday, September 26, 1995, 7.00 p.m., Cocoa Beach, FL; 2. Wednesday, September 27, 1995, 7.00 p.m., Dania, FL; and 3. Thursday, September 28, 1995, 7.00 p.m., Key West, FL.

ADDRESSES: To send comments, and to request copies of public hearing documents, write to: Susan Buchanan, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699. Copies of a revised draft FMP will be available to the public at the hearings.

The hearings will be held at the following locations:

1. Cocoa Beach—Holiday Inn, 1300 N. Atlantic Avenue, Cocoa Beach, FL 32931; telephone (407) 783–2271;

2. Dania—Sheraton Design Center Hotel, 1825 Griffin Road, Dania, FL 33004; telephone (305) 920–3500; and

3. Key West—Holiday Inn Beachside, 3841 N. Roosevelt Blvd., Key West, SC 29407–4699; telephone (305) 294–2571.

FOR FURTHER INFORMATION CONTACT: Susan Buchanan, (803) 571–4366; Fax: (803) 769–4520.

SUPPLEMENTARY INFORMATION: At its meeting of August 21–25, 1995, the SAFMC decided to make changes in its proposed golden crab management program, which will be specified in a revised draft FMP. The SAFMC has decided to hold additional public hearings in order to solicit public views on the revised management measures for inclusion in the FMP.

The FMP management unit is the population of golden crab occurring along the U.S. Atlantic coast from the east coast of Florida to the North Carolina/Virginia border. Other deep-water crabs, such as red crab and jonah crab, are included in the FMP for data collection purposes only; no management actions are planned for these species under the initial FMP. Although all three species of crab are harvested in the Gulf of Mexico and Mid-Atlantic/New England, it is believed that the populations are sufficiently separated from one another to be managed independently.

The following types of management measures for golden crab are under consideration by the SAFMC for inclusion in its final FMP:

(1) Definition of terms, including: Optimum yield, overfishing, and crustacean trap;

(2) Gear controls, including: Use of traps only and a limit on their size, requirements for trap escape gaps, degradable escape panels, use of rope only as trap main line, and requiring that crabs be landed whole;

(3) Measures to ensure conservation of the fishery, including: No retention of females;

(4) Establishment of the following zones in the golden crab fishery:

(A) Northern Zone—North of the Volusia/Flager Line (29° 25′ N. lat.) to the North Carolina/Virginia border;

(B) Mid Zone—29° 25′ to 25° N. lat.; and

(C) Southern Zone—South of 25° N. lat. to the boundary between the areas of jurisdiction of the SAFMC/Gulf of Mexico Fishery Management Council;

(5) Measures to limit access to the fishery. Criteria for access will be as follows: Apply an April 7, 1995, control